THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION No.3062 of 1996

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Dated the 16th day of August, 2005

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Between:

1. J.Lingamaiah S/o Ramaiah, resident of Shamshiguda village, Balanagar Mandal, Rangareddy District and others.

…Petitioners

a n d

1. The District Collector, Rangareddy District and others

…Respondents

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ORAL ORDER:

Alleging that respondents are trying to dispossess them by force from Acs.4-00 in S.No.57/E of Shamshiguda though they have been in long standing possession thereof, petitioners filed this petition seeking a direction to the respondents not to dispossess them from the said land without following the due process of law.

2. The case of the respondents is that petitioners are not in possession of the land and that they taking advantage of the fact that some of the encroachers in S.No.57/E of Shamshiguda, which is a government land, have obtained directions from this Court for preferential allotment of land in case of the Government contemplating to grant pattas to landless poor, they (petitioners) with a view to obtain pattas in their names, though they are never in possession of the land, filed this petition and that government filed a petition before the Special Court constituted under A.P. Land Grabbing (Prohibition) Act, 1982, and obtained a decree against the encroachers and so petitioners are not entitled to any relief.

3. Except the *ipsi dixit* of petitioners that they have been in possession of the land in S.No.57/E of Shamshiguda, no material is produced by them to show that they have been in possession of the land at any time before filing the petition to disprove the contention of the respondents that they are not in possession of the said land. No doubt petitioners produced unattested typed copy of the Faisal Patti for the year 1959-60. But their names are not shown therein. The name of J.Ramaiah is shown as one of the encroachers and that document shows that he was asked to pay Rs.4/- at the rate of Re.1/- per acre. The claim of the petitioners is that J.Ramaiah is their father. Even assuming that the copy of the Faisal Patti produced by the petitioners is true, it shows the possession of their father in 1959-60 only. If the petitioners or their father was in possession of the property subsequent to 1959-60 they should have produced some documentary evidence in support of their claim relating to their possession.

4. Since petitioners failed to establish their possession over the land in S.No.57/E of Shamshiguda village, which admittedly is a Government poramboke land, in spite of the respondents specific denial of their being in possession thereof, petitioners are not entitled to any relief.

5. Hence, the petition is dismissed. No costs.

(C.Y.Somayajulu, J.)

Date: 16-08-2005

Cvrk